

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Margett

February 25, 2000

An act to add Sections 241.9 and 243.9 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as introduced, Margett. Crimes: assault and battery: state public safety officials.

Existing law generally defines the offenses of assault and battery, and further defines specific offenses where the assault or battery is directed against specified persons including peace officers, firefighters, and emergency medical technicians, among others.

This bill would, in addition, create the offense of assault against a state public safety official, as defined, and the offense of battery upon a state public safety official, as defined.

By creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 241.9 is added to the Penal Code, to read:

241.9. (a) When an assault is committed against a state public safety official and serious bodily injury is inflicted upon the person while engaged in the performance of his or her duties, or in retaliation for an act performed in the course of his or her duties, and the person committing the offense knows or reasonably should know that the victim is a state public safety official, the assault is punishable by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000) or by both the imprisonment and fine.

(b) For purposes of this section, the following definitions apply:

(1) "Assault" as defined in Section 240.

(2) "State public safety official" means any regular employee of a state agency vested with enforcement authority for health, safety, and welfare requirements, and whose primary duties include enforcement of state codes and regulations, and who is not a person described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, and who is vested with authority to issue criminal citations and to file formal civil and criminal complaints.

(3) "Serious bodily injury" as defined in paragraph (4) of subdivision (f) of Section 243.

SEC. 2. Section 243.9 is added to the Penal Code, to read:

243.9. (a) When a battery is committed against a state public safety official and injury is inflicted upon the person while engaged in the performance of his or her duties, or in retaliation for an act performed in the course of his or her duties, and the person committing the offense knows or reasonably should know that the victim is a state public safety official, the assault is punishable by imprisonment in a county jail not exceeding one year, or imprisonment in the state prison for a term of 16 months,

1 or two or three years, or by a fine not exceeding two
2 thousand dollars (\$2,000) or by both imprisonment and
3 the fine.

4 (b) For purposes of this section, the following
5 definitions apply:

6 (1) “Battery” as defined Section 242.

7 (2) “State public safety official” means any regular
8 employee of a state agency vested with enforcement
9 authority for health, safety, and welfare requirements,
10 and whose primary duties include enforcement of state
11 codes and regulations, and who is not a person described
12 in Chapter 4.5 (commencing with Section 830) of Title 3
13 of Part 2, and who is vested with authority to issue
14 criminal citations and to file formal civil and criminal
15 complaints.

16 (3) “Injury” means any physical injury that requires
17 professional medical treatment.

18 SEC. 3. No reimbursement is required by this act
19 pursuant to Section 6 of Article XIII B of the California
20 Constitution because the only costs that may be incurred
21 by a local agency or school district will be incurred
22 because this act creates a new crime or infraction,
23 eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section
25 17556 of the Government Code, or changes the definition
26 of a crime within the meaning of Section 6 of Article
27 XIII B of the California Constitution.